

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

IONE, INC., an Illinois Corporation,)	
)	
Plaintiff,)	
)	
v.)	06 C 2796
)	Judge Gettleman
HOD KWON a/k/a HO KWON d/b/a HAIRSTYLEBOX.COM,)	Magistrate Judge Keys
)	
Defendant.)	

PLAINTIFF'S MOTION FOR ENTRY OF JUDGMENT

Plaintiff IONE INC., an Illinois corporation ("IONE"), by and through its attorneys, Jeffrey Paul Smith and the Law Offices of Jeff Smith, moves the Court for entry of an Order entering judgment in favor of Plaintiff and against Defendant HOD KWON a/k/a HO KWON d/b/a HAIRSTYLEBOX.COM ("KWON"), in a sum certain, and says in support:

1. Plaintiff IONE, an Internet seller of hair and beauty products, brought this case by filing a three-count Complaint against defendant KWON, sounding in copyright infringement, unfair competition, conversion, and unjust enrichment. The gravamen of all Counts is that KWON copied, without permission, the bulk of IONE's website, and used it as its own to sell much the same product line. See Complaint, attached as Exh. 1 to this Motion.
2. Summons was returned executed on March 8, 2007, and KWON filed his pro se appearance on March 27¹.

¹ Prior to filing his appearance, KWON had contacted the attorney for plaintiff IONE, first pro se and then through counsel. KWON apparently elected not to employ counsel in proceedings before this Court.

3. Defendant KWON did not file an answer. On April 24, 2007, Judge Gettleman entered an order of default against KWON and set a prove-up hearing for May 22, 2007.

4. On May 22, 2007, both IONE and KWON appeared in court for the prove-up hearing but Judge Gettleman was unable to hear the matter, and referred it to Magistrate Judge Keys for prove-up. This Court's clerk gave the parties a date of June 11, 2007.

5. As set forth in more detail in the Affidavit of Dong Young Yi, attached as Exhibit 2 to this Motion, IONE invested over a half-year's labor in the creation of the website appropriated and copied by KWON. The website at the time of copying had approximately 1800 items, and KWON copied over 1,560 of these items and their web pages.

6. As shown in Exhibits A and B to Mr. Yi's affidavit, the copying was blatant cut-and-paste, lifting verbatim even the spelling errors.

7. A market approach to the value gained by KWON through this unauthorized copying suggests a value of \$40,000, or what it would cost to hire an outside website designer to create, independently, what KWON simply copied. Affidavit of Yi (Exh. 2).

8. Another approach is to value the employee time invested in creation of the website. Several years ago, that time of Plaintiff IONE's owner and web author, Dong Young Yi, was worth at least \$18,000. *Id.*

9. Undoubtedly IONE has lost sales but those sales are unquantifiable without discovery of Defendant KWON's sales.

10. Due to the materials not being registered with the U.S. Copyright Office, Plaintiff IONE cannot seek the special damages and attorney's fees available under the federal copyright laws.

11. Plaintiff had costs of its filing fees. The initial, unsuccessful process server did not invoice Plaintiff, and neither has the U.S. Marshal's office, which was successful in service.

12. Mr. Yi will be available in open court to answer any additional questions the Court has.

WHEREFORE, the Plaintiff IONE, INC. respectfully requests the Court to enter judgment in favor of the Plaintiff, IONE, INC., and against Defendant HOD KWON a/k/a HO KWON d/b/a HAIRSTYLEBOX.COM ("KWON"), in an amount sufficient to compensate IONE, INC., for the misappropriation of its website structure and content, as measured by the cost to create such a website, being not less than \$18,000 (in 2006 dollars) plus costs.

Respectfully submitted,
IONE, INC.

Dated: June 6, 2007

By: s/ Jeffrey Paul Smith
One of its attorneys

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that, this 6th day of June, 2007, one copy of the foregoing

PLAINTIFF'S MOTION FOR ENTRY OF JUDGMENT

was served upon by ECF as to all Filing Users and was served by overnight courier to defendant HOD KWON a/k/a HO KWON d/b/a HAIRSTYLEBOX.COM at 3025 Rennes Court, Northbrook, IL 60062.

Dated: June 6, 2007

By: s/ Jeffrey Paul Smith

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